



## REMARKS

Claims 1-26 are pending in the present application. Claims 1-26 are rejected. Claims 21 and 22 have been amended. Claims 1-20 and 23-26 have been canceled. New dependent claims 27-42 have been added. No new matter is entered by these amendments.

### Reply to the Objection to the Drawings

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a). Specifically, the Examiner states that the drawings must show “a wall section of the bowl-shaped element at least partly forming a part of the means for inflating the airbag” as described in the specification.

Paragraph 0031 of the Specification has been amended for clarity to show that a wall section of the bowl-shaped element at least partly forms a housing for the means for inflating the airbag as illustrated in Figure 3, thereby forming a part of the means for inflating the airbag. It is believed that this amendment overcomes the Examiner’s objection to the drawings. Withdrawal of this objection is respectfully requested.

### Reply to the Objection to the Claims

The Examiner has objected to the claims for various informalities. Specifically, the Examiner states that in line 12 of claim 22, the term “bow-shaped” should be –bowl-shaped–. Claim 22 has been amended as suggested by the Examiner. It is believed that this amendment overcomes the Examiner’s objection to the claims. Withdrawal of the objection to the claims is respectfully requested.

### Reply to the Rejection of Claims 23 and 24 under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 23 and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states–

Claims 23 and 24 recite the limitation “the airbag” in line 11. There is insufficient antecedent basis for this limitation in the claim. Note that in line 7, the airbag has not been positively recited.

Claims 23 and 24 have been canceled. Accordingly, the rejection of Claims 23 and 24 under 35 U.S.C. § 112, second paragraph is now moot.

**Reply to the Rejection of Claims 1-26 under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-26 as being anticipated by U.S. Patent No. 5,480,184 to Young ("Young"). Specifically, the Examiner states –

Young discloses a hub (see Fig. 2) for fixing to a steering column (S in Fig. 2), a substantially conical bowl-shaped element (see Fig. 2) connected to the hub with at least one spoke (see Figs. 1, 2), the spoke further connecting the bowl-shaped element to a steering wheel rim (B in Fig. 1, 2), wherein the hub, bowl-shaped element, and at least one spoke are integrally formed as a single material item (see Fig. 2), the bowl-shaped element further comprising an upper shell part (24 in Fig. 2) and lower shell part (see area near 19 in Fig. 2), the upper shell part having larger outer dimensions than the lower shell part and the shell parts being connected by a ledge extending substantially in the radial direction relative to the longitudinal axis of the steering column (see Fig. 2), the bowl-shaped element also comprising a casing for enclosing an airbag and means for inflating the airbag (18 in Fig. 2), where a wall section of the bowl-shaped element at least partly forms part of the means for inflating the airbag (see area, attachment at 19 in Fig. 2).

Regarding Claims 8 and 19, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claims 3, 4, 13, 14 and 23-26, when the applicant claims an operation or characteristic of a device not explicitly disclosed in a prior art reference, the U.S. Patent and Trademark Office "possesses the authority to require the applicant to prove that the subject matter shown in the prior art does not possess the characteristics relied on." *In re Ludtke and Sloan*, 169 USPQ 563, 566 (CCPA 1971). The applicant is required to prove that the subject matter shown would not have the weight distribution and dimensioning as claimed.

For the following reasons, Applicant respectfully traverses the Examiner's rejection of claims 1-26 as being anticipated by Young.

Referring to Young, therein is disclosed an inflatable occupant restraint device that includes a dual reusable airbag system with one airbag adjacent to the other. One airbag 10 is inflated prior to installation; the other airbag 12 is inflated upon impact of the vehicle (Abstract; col. 2, lines 54-60). The steering assembly B is secured onto a steering shaft or column S by a nut N (col. 2, lines 61-62). The steering assembly B includes a cavity 20 in which a gas generator 18 and second airbag 12 are fixed to the base thereof, with the second airbag 12 folded over and around the gas generator 18 in the cavity 20 (col. 2, lines 62-65; Fig. 2). In another embodiment illustrated in Fig. 4, the second airbag 40 and gas generator 44 are secured within a canister 48 placed in the cavity 52 of the steering assembly D, with the second airbag 40 folded to fit within the canister 48 over the gas generator 44 (col. 3, lines 46-67). As is clearly illustrated from the cross sectional views of Figures 2 and 4 of the Young invention, the bowl-shaped element (not labeled in Young) of the steering wheel 24 is

V-shaped (Figure 2) or U-shaped (Figure 4). While both illustrated bowl-shaped elements have an upper end and a lower end, nowhere does either embodiment show an upper shell and a lower shell joined together by a ledge. The fact that a ledge joins the two shells implies two distinct shells. The embodiments of Young do not teach or suggest these two distinct shells, particularly two that are joined by a ledge. More specifically, Young does not teach or suggest (or illustrate) a ledge that extends substantially in the radial direction relative to the longitudinal axis of the steering column.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). As Young does not teach or suggest an upper shell and a lower shell joined together by a ledge, nor does Young teach or suggest a ledge that extends substantially in the radial direction relative to the longitudinal axis of the steering column, Young cannot be said to anticipate the presently claimed invention.

With specific reference to claims 8 and 19, those claims have been canceled. Accordingly, the rejection of claims 8 and 19 is now moot.

With specific reference to claims 3, 4, 13, 14 and 23-26, those claims have been canceled. Claims 3, 4, 13 and 14 have been replaced with new claims 28, 29, 35 and 36 depending from claims 21 and 22.

The Examiner refers to *In re Ludtke* for the proposition that Applicants are required to prove that the subject matter shown (*i.e.*, the invention of Young) would not have the weight distribution and dimensioning as claimed. *In re Ludtke* involved an issue of functional language in a claim that the Examiner considered to be inherent in the prior art reference. The functional language was the only part of the claim at issue, the structural language having been admitted by the Applicants. It was the Examiner's view (and reason for rejection) that the invention of the reference possessed all the claimed characteristics, including (inherently) the functional characteristics of Applicants' invention. According to the CCPA, since the only distinction between the prior art and the rejected claims was recited in the functional language in question, the Examiner could rightly require the Applicants to prove the subject matter in question (*i.e.*, where the functional language is critical to the novelty of the

invention at hand, the Examiner can require Applicants to prove that the subject matter shown in the prior art does not possess the characteristics relied on). Accordingly, as claims 28, 29, 35 and 36 are dependent claims and therefore are not critical to the novelty of the invention at hand, Ludtke does not apply and the Applicants cannot be required to prove that the subject matter shown in the prior art does not possess the characteristics relied on.

It is believed that the above amendments and remarks overcome the Examiner's rejection of claims 1-26 as being anticipated by Young. Withdrawal of the rejection of claims 1-26 under 35 U.S.C. § 102(b) is respectfully requested.

**Reply to the Rejection of Claims 1, 2, 6-12, 15 and 17-20 under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1, 2, 6-12, 15 and 17-20 as being unpatentable over U.S. Patent No. 5,921,146 to Cattaneo ("Cattaneo"). Specifically, the Examiner states—

Cattaneo discloses an air bag steering wheel with visible spokes, including a hub for fixing to a steering wheel (7 in Fig. 5), a substantially conical bowl-shaped element with an upper and lower shell (5, 6 in Fig. 5) connected to the hub (6 in Fig. 5) with at least two spokes (8 in Fig. 1) connected by a reinforcing element that is part of the bowl-shaped element (5 in Fig. 1) which connects the bowl-shaped element to a steering wheel rim (2 in Fig. 5), wherein the spoke is integrally formed with the bowl shaped element and hub as a single material item. Regarding the term "integrally formed", it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means of fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). In this case, the bowl-shaped element, spoke, hub, and steering wheel are connected via fasteners (see Fig. 1). The bowl-shaped element further comprises a casing, which encloses an airbag and a means for inflating the airbag (Col. 1, lines 33-35). However, Cattaneo does not disclose a wall section of the bowl-shaped element at least partly forming a part of the means for inflating the airbag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate the bowl-shaped element with the means for inflating the airbag, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 US 164.

Regarding Claims 8 and 19, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

For the following reasons, Applicant respectfully traverses the Examiner's rejection of 1, 2, 6-12, 15 and 17-20 as being unpatentable over Cattaneo.

Cattaneo was previously discussed in Applicants' Reply of 26 March 2002, those arguments being incorporated herein. As previously discussed, Cattaneo teaches an airbag steering wheel with visible spokes. The steering wheel includes a central unit 4 made of two overlapping parts 5 and 6 fixed to one another, with the lower part 6 shaped as a bowl and

Just because they are dependent does not mean they are not critical.

the upper part 5 essentially flat, i.e., the upper part is not part of a "bowl-shaped element", it being 'essentially flat' (col. 2, lines 6 and 29-30; Figures 2, 3 and 5). Accordingly, Cattaneo does not teach or suggest two distinct shells, particularly two that are joined by a ledge. More specifically, Cattaneo does not teach or suggest a ledge that extends substantially in the radial direction relative to the longitudinal axis of the steering column for joining those two shells.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As Cattaneo does not teach or suggest two distinct shells, particularly two that are joined by a ledge, nor does Cattaneo teach or suggest a ledge that extends substantially in the radial direction relative to the longitudinal axis of the steering column for joining those two shells, Cattaneo cannot be said to make the present invention obvious.

With specific reference to claims 8 and 19, those claims have been canceled. Accordingly, the rejection of claims 8 and 19 is now moot.

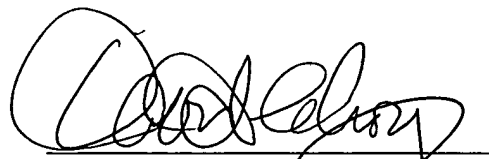
It is believed that the above amendments and remarks overcome the Examiner's rejection of claims 1, 2, 6-12, 15 and 17-20 as being unpatentable over Cattaneo. Withdrawal of the rejection of claims 1, 2, 6-12, 15 and 17-20 under 35 U.S.C. § 103(a) is respectfully requested.

It is believed that the above amendments and remarks overcome the Examiner's objection to the drawings and claims and rejection of the claims under 35 U.S.C. §§ 112, second paragraph, 102(b) and 103(a) as indicated herein above. Withdrawal of the objections and rejections of the claims and drawings is therefore respectfully requested. Allowance of the claims is believed to be in order and such allowance is respectfully requested.

Respectfully submitted,

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HOWREY SIMON ARNOLD & WHITE LLP  
1299 Pennsylvania Avenue, NW  
Washington, DC 20004-2402  
Phone 202-783-0800  
Fax 202-383-6610

  
David P. LeCroy  
Attorney for Applicant  
Registration No. 37,869